

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

LG. PHILIPS LCD CO., LTD.,	§	
	§	
Plaintiff,	§	
v.	§	C.A. No. 06-726-JJF
	§	
CHI MEI OPTOELECTRONICS	§	
CORPORATION; AU OPTRONICS	§	
CORPORATION; AU OPTRONICS	§	
CORPORATION OF AMERICA; TATUNG	§	
COMPANY; TATUNG COMPANY OF	§	
AMERICA, INC.; AND VIEWSONIC	§	
CORPORATION,	§	
	§	
Defendants.	§	
AU OPTRONICS CORPORATION,	§	
	§	
Plaintiff,	§	
	§	
v.	§	C.A. No. 07-357-JJF
	§	
LG. PHILIPS LCD CO., LTD. and	§	
LG. PHILIPS LCD AMERICA, INC.	§	
	§	
Defendants.	§	

JOINT MOTION TO CONSOLIDATE

AU Optronics Corporation (“AUO”), and AU Optronics Corporation America (“AUOA”), LG.Philips LCD Co., Ltd. (“LPL”), and LG.Philips LCD America, Inc. (“LPLA”), (collectively, the “movants”) hereby jointly move the Court, pursuant to Federal Rule of Civil Procedure 42, for consolidation of Civil Action No. 07-357-JJF (the “07-357 action”), which was recently transferred to this Court from the Western District of Wisconsin, with Civil Action No. 06-726-JJF (“the 06-726 action”) for pre-trial proceedings and trial. All of the parties to the 07-

357 action are already involved in the 06-726 action. The movants present the following in support of this motion:

- 1) On December 1, 2006, LPL initiated the 06-726 action by suing six entities, including AUO and the additional counterclaim defendants to the 07-357 action, for infringement of three LPL patents.
- 2) On March 8, 2007, AUO initiated what is now the 07-357 action in the Western District of Wisconsin by suing LPL and LPLA for infringement of three AUO patents.
- 3) On April 11, 2007, LPL amended its complaint in the 06-726 action to seek declaratory judgments of non-infringement and invalidity against the AUO patents asserted in Wisconsin. Since then, AUO has asserted infringement of the AUO patents as counterclaims in the 06-726 action. Thus, the 07-357 action and the 06-726 action include common issues, including infringement or non-infringement and validity or invalidity of these three AUO patents.
- 4) On April 16, 2007, LPL and LPLA moved to transfer what is now the 07-357 action from the Eastern District of Wisconsin to the District of Delaware. On May 30, 2007, the Wisconsin Court granted LPL and LPLA's motion. In granting the motion, the Court held that, "The interest of justice would be best served by transferring this case to the United States District Court of Delaware where consolidation is feasible." Order at 6 (citing *Trafficast, Inc. v. Pritchard*, 2005 WL 3002267 (W.D. Wisc. 2005)).
- 5) Consolidation of the transferred action with the 06-726 action will prevent the problems and inefficiencies that could arise from two actions on related technology between the same parties, including, for example, inconsistent rulings, empanelling multiple juries to

hear the same evidence, and multiple international trips for the same witnesses whether for deposition or trial.

6) Accordingly, the movants respectfully ask that the 07-357 action be consolidated with the 06-726 action.

7) The movants hereby waive their right of reply on the motion to consolidate, in order that briefing may be completed by July 11, in accordance with Judge Farnan's standing order on the procedure for filing non-dispositive motions in patent cases.

Dated: June 26, 2007

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CERTIFICATE OF SERVICE

I, Karen L. Pascale, Esquire, hereby certify that on June 26, 2007, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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I further certify that I caused a copy of the foregoing document to be served by e-mail and hand delivery on the above-listed counsel of record and on the following non-registered participants in the manner indicated:

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V.

CHI MEI OPTOELECTRONICS CORPORATION; AU OPTRONICS CORPORATION; AU OPTRONICS CORPORATION OF AMERICA; TATUNG COMPANY; TATUNG COMPANY OF AMERICA, INC.; AND VIEWSONIC CORPORATION,

Defendants.

AU OPTRONICS CORPORATION,

Plaintiff,

V.

LG. PHILIPS LCD CO., LTD. and
LG. PHILIPS LCD AMERICA, INC.

Defendants.

[PROPOSED] ORDER OF CONSOLIDATION

The Court, having considered the Joint Motion to Consolidate filed by AU Optronics Corporation (“AUO”), AU Optronics Corporation America (“AUOA”), LG.Philips LCD Co., Ltd. (“LPL”), and LG.Philips LCD America, Inc. (“LPLA”), and good cause having been shown;

IT IS HEREBY ORDERED this ____ day of _____, 2007, that the Motion is GRANTED. Civil Action Nos. 06-726-JJF and 07-357-JJF are hereby consolidated for

pre-trial proceedings and trial. Hereinafter, all papers shall be filed under Civil Action No. 06-736-JJF, using the above caption.

UNITED STATES DISTRICT JUDGE

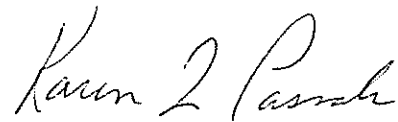
LOCAL RULE 7.1.1 STATEMENT

I, Karen L. Pascale, Esquire, hereby certify pursuant to D. Del. LR 7.1.1, as follows:

1. Counsel for movant AU Optronics Corporation contacted counsel for Chi Mei Optoelectronics Corporation and Chi Mei Optoelectronics USA, Inc. (collectively, "CMO") (specifically, pro hac vice counsel of record for those parties in C.A. No. 06-726), and was advised that CMO will not join in the motion to consolidate and will not oppose the motion.

2. Counsel for movant AU Optronics Corporation contacted counsel for Tatung Company and Tatung Company of America (collectively, "Tatung") today (specifically, pro hac vice counsel of record for those parties in C.A. No. 06-726), and due to the fact that Tatung is in Taiwan, Tatung's counsel was unable to obtain an immediate response from Tatung prior to the filing deadline. Thus, Tatung has not yet reached a determination on whether or not it will oppose the motion. Tatung reserves the right to file an opposition.

3. Counsel for movant AU Optronics Corporation contacted counsel for ViewSonic Corporation ("ViewSonic") today (specifically, pro hac vice counsel of record for ViewSonic in C.A. No. 06-726), and ViewSonic's counsel indicated that ViewSonic reserves the right to oppose this motion and/or to suggest procedural alternatives to consolidation, upon reviewing the moving papers.



Karen L. Pascale (#2903)